



February 9, 2001

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## HOUSE BILL No. 1504

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DIGEST OF HB 1504 (Updated February 8, 2001 12:54 PM - DI 94)

**Citations Affected:** IC 36-1; IC 36-2; IC 36-7.

**Synopsis:** Three-fourths majority voting. Provides that with respect to an action under the law governing local government that requires a three-fourths vote, the number of votes necessary to satisfy the requirement is the rounded to the nearest whole number.

**Effective:** July 1, 2001.

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**Ayres, Stevenson, Aguilera, Frenz**

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January 11, 2001, read first time and referred to Committee on Local Government.  
February 8, 2001, amended, reported — Do Pass.

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HB 1504—LS 6853/DI 94+



February 9, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1504

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 36-1-8-14 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2001]: **Sec. 14. Whenever this title requires an action to be taken**  
4 **by a three-fourths (3/4) vote, the number of votes necessary to**  
5 **satisfy the requirement is rounded to the nearest whole number.**

6       SECTION 2. IC 36-2-5-11 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) At the county  
8 fiscal body's annual meeting under IC 36-2-3-7(b)(2), the county  
9 auditor shall present the budget estimates filed with him under section  
10 9 of this chapter and the ordinances prepared by him under section 10  
11 of this chapter. He may also present his recommendations concerning  
12 the estimates.

13       (b) At its annual meeting under IC 36-2-3-7(b)(2), the county fiscal  
14 body shall fix the county tax rate and make appropriations for the next  
15 calendar year by:

- 16           (1) adopting the ordinances presented by the county auditor;  
17           (2) amending the ordinances presented by the county auditor; or

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(3) substituting other ordinances for those presented by the county auditor.

Each ordinance must be read on at least two (2) separate days before its final adoption. The fiscal body may require the preparer of an estimate that is not sufficiently itemized to itemize it in more detail. At least a three-fourths (3/4) vote (**as described in IC 36-1-8-14**) of the fiscal body is required to make an appropriation for an item not contained in an estimate or for a greater amount than that named in an item of an estimate.

(c) At its annual meeting under IC 36-2-3-7(b)(2), the county fiscal body shall consider the statements and recommendations submitted by the county executive under section 4(b) of this chapter and shall then adopt an ordinance, separate from those adopted under subsection (b), fixing:

(1) the compensation of all officers, deputies and other employees subject to this chapter; and

(2) the number of deputies and other employees for each office, department, commission, or agency, except part-time and hourly rated employees, whose employment shall be limited only by the amount of funds appropriated to pay their compensation.

SECTION 3. IC 36-7-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) A municipality that does not have a sufficient survey and plat of its corporate territory may, by a resolution of its legislative body passed by a two-thirds (2/3) vote, order a survey and plat of the municipality. When the survey and plat have been made, the legislative body may adopt them by a resolution passed by three-fourths (3/4) vote (**as described in IC 36-1-8-14**). If a survey and plat of the municipality have already been made, without the order of the legislative body, it may adopt them by a resolution passed by a three-fourths (3/4) vote.

(b) The survey and plat are considered adopted by the municipality for all purposes if a certified copy of the resolution adopting the survey and plat is:

(1) signed by the municipal executive and clerk;

(2) attested by the seal of the municipality; and

(3) recorded with the survey and plat in the office of the recorder of the county in which the municipality is located.

The copy of the resolution must include a statement of the names of the persons voting for and against it.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1504, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "the greatest" and insert "**rounded to the nearest**".

Page 1, line 5, delete "less than the" and insert ".".

Page 1, delete line 6.

and when so amended that said bill do pass.

(Reference is to HB 1504 as introduced.)

STEVENSON, Chair

Committee Vote: yeas 10, nays 0.

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